

**From:** Adam Bezark  
**To:** Microsoft ATR  
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**Subject:** Microsoft Settlement

Dear Department of Justice:

Here for your consideration is a hypothetical Legal Scenario.

An organized crime kingpin is charged with racketeering. This criminal runs the "mobs" all across America. Whenever someone else has attempted to encroach on his territory, the mobster has resorted to ruthless, brutal, illegal tactics to crush his opponents.

During the trial, his well-paid lawyers repeatedly mock the judicial process. They stall for time so the mobster can continue to collect his racketeering fees. They present shamelessly doctored evidence (easily detected by the prosecution). They point out a "grassroots" letter writing campaign which proves that the public supports the mobster... but it soon turns out that the letters were all written by the kingpin's henchmen and lawyers.

Meanwhile, the prosecution presents overwhelming evidence of the mobster's guilt.

And so, despite the kingpin's most expensive efforts, the court finds him guilty of racketeering. Based on his egregious behavior, the court recommends an unusually stiff penalty. And yet, the appellate court sets that penalty aside, based on relatively minor elements of the trial judge's behavior.

Encouraged by his reprieve, the mobster unleashes a brand-new racketeering scheme designed to ensnare even more victims.

Next: In a curious turn of events, the Department of Justice -- which has spent years prosecuting this confirmed criminal -- quietly announces that it is scaling back or abandoning its efforts to prosecute the mobster.

Appalled by these events, the news media and the general public wonder publicly whether the appellate court's soft stance is related to the fact that the mobster donated large sums of campaign funding to the new Administration. Is it possible to buy justice?

Finally, in a grand gesture, the mobster offers a settlement. Instead of going to jail or paying a fine, he generously proposes to construct and operate sparkling new gambling casinos in every state. (At his own expense, of course.)

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Now then. In this fictional scenario, what would happen next? Wouldn't the public be outraged by the Department of Justice's apparent conflict of interest? Would the court hesitate to impose the maximum penalty on this unrepentant scofflaw? Without any meaningful penalty, would the criminal be remotely likely to improve his future behavior?

So... please tell me. How is the Microsoft case any different?

Respectfully submitted,  
Adam J. Bezark